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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,358	03/25/2004	Jeff A. Lambert	200312909-1	4732

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EXAMINER

PAPE, ZACHARY

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/808,358

Applicant(s)

LAMBERT ET AL.

Examiner

Zachary M. Pape

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/12/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/12/2005 has been entered.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 9/12/2005 has been fully considered and is attached hereto.

### ***Claim Objections***

3. Claims 1, 2, 6, and 7 are objected to since said claims recite, "adapted to". The examiner respectfully notes that it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchinson, 69 USPQ 138.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-7, 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (US 5,564,930 – herein after referred to as Yu '930) in view of Yu (US 6,059,386– herein after referred to as Yu '386).**

With respect to claims 1 and 6, Yu '930 teaches a chassis (12) for an electronic device (10), comprising: a plurality of exterior walls (as shown in Fig 1) joined to each other to form a partially-assembled chassis, and a plurality of interchangeable access panels (Fig 2 element 50, Fig 5 element 90) each adapted to be removably attached to the partially-assembled chassis (Via 62, 64, 72) so as to occupy at least a portion of the exterior wall vacancy (Column 3, Lines 49-52; Column 4 Lines 61-65), wherein each such access panel has a unique configuration of one or more apertures each providing operational access to components housed in the chassis, whereby a completely-assembled chassis is attained by removably attaching any of the plurality of interchangeable access panels to the partially-assembled chassis. Yu '930 fails to teach that at least one exterior wall is entirely vacated. Yu '386 teaches a computer chassis for an electronic device comprising a vacated exterior wall (20) which can be placed in the vacated portion to complete the full assembly of the chassis (As illustrated

in Fig 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the interchangeable access panel of Yu '930 to include the entire rear panel as taught by Yu '386 to provide better access to the components of the computer system (See Column 1, Lines 40-42; having a removable panel as taught by Yu '386 provides for better access to the components compared to the partial opening of Yu '930).

With respect to claim 2, Yu '930 further teaches an interlocking system comprising at least one interlocking mechanism (68, 72) operably positioned at one or more locations in one or more of the partially-assembled chassis and each of the plurality of interchangeable access panels (tabs 58, 60, 62, 64, 66), wherein each interlocking mechanism is adapted to detachably secure at least a portion of a selected interchangeable access panel to the partially-assembled chassis. (Column 3, Lines 49-52)

With respect to claim 3, Yu '930 further teaches that the configurations of one or more operational access apertures comprises one or more of the group comprising: at least one port aperture (98, 100); at least one expansion slot aperture (106); at least one power supply aperture; and at least one ventilation apertures.

With respect to claim 4, the teachings of the computer of Yu '930 being a server is implicit in that the definition of a server (a computer in a network that is used to provide services (i.e. as access to files or shared peripherals or the routing of e-mail) to other computers in the network) allows the computer of Yu '930 to act as a server if desired by the user.

With respect to claim 5, Yu '930 further teaches that the electronic device is a personal computer (Column 3, Lines 8-10).

With respect to claim 7, Yu '930 further teaches an interlocking system comprising at least one interlocking mechanism (68, 72) operably positioned at one or more locations in either or both the partially-assembled chassis and each of the plurality of interchangeable access panels (tabs 58, 60, 62, 64, 66), wherein each interlocking mechanism is adapted to detachably secure at least a portion of a selected interchangeable access panel to the partially-assembled chassis. (Column 3, Lines 49-52)

With respect to claim 9, Yu '930 further teaches that each configuration of at least one operational access aperture comprises a combination of one or more characteristics of aperture size, dimensions, quantity, orientation, relative position, location, and type of supported operational access. (As illustrated in Fig 5, i.e. 94 is capable of connecting a keyboard, and 102 a parallel cable, and the location of 94 differs from the location of 106)

With respect to claim 10, Yu '930 further teaches that the configuration of one or more operational access apertures (50, 90) of at least one of the interchangeable each access panels comprises: at least one port aperture. (Fig 5, 98, 100, etc)

With respect to claim 11, Yu '930 further teaches that the configuration of one or more operational access apertures (50, 90) of at least one of the interchangeable each access panels comprises: at least one expansion slot aperture. (Fig 5, 106)

With respect to claim 12, Yu '930 further teaches that the configuration of one or more operational access apertures of at least one of the interchangeable each access panels comprises: at least one power supply aperture (88, see column 4, Lines 21-24 where aperture 88 is for a connector which supplies power from the motherboard to the peripheral attached thereto).

With respect to claim 13, Yu '930 further teaches the use of one ventilation aperture (Any of the unused apertures (i.e. 106) can act as a means to ventilate the internal components of the chassis with ambient air).

With respect to claim 14, Yu '930 fails to specifically teach that the electronic device is a server, however the mere definition of a server (a computer in a network that is used to provide services (as access to files or shared peripherals or the routing of e-mail) to other computers in the network) allows the computer of Yu '930 to act as a server if desired by the user.

With respect to claim 15, Yu '930 further teaches that the electronic device is a personal computer (Column 3, Lines 8-10).

### ***Response to Arguments***

5. Applicant's arguments filed 9/12/2005, with respect to the rejection(s) of claim(s) 1 and 6 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yu (US 5,564,930) in view of Yu (US 6,059,386).

With respect to applicants' arguments regarding claims 1 and 6, the examiner acknowledges applicants' 3 main arguments, mainly that:

a) Baitz shows neither a vacated exterior wall nor a removable rear panel (since Baitz illustrates the wall as an exploded view)

b) That there is no motivation to combine the Baitz reference with that of Yu and,

c) That the examiner has used impermissible hindsight when making the combination of the two references.

The examiner has found that argument a) above is persuasive and has thus issued a new rejection combining the two Yu references. In doing so the examiner has clearly addressed the final two arguments (b, c) since the examiner has explicitly cited motivation in the second Yu reference. Additionally, with respect to applicants' remarks regarding improper hindsight, it must be recognized that any judgment on obviousness is in any sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the invention was made, and does not include knowledge gleaned only from the Applicant's disclosure, such a reconstruction is proper. In re McLaughlin, 443, F.2d 1392; 170 USPQ 209 (CCPA 1971).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 5,865,518 further teaches a flexible computer chassis, and US 5,466,059 which further teaches a removable panel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached at 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ZMP

 **ANATOLY VORTMAN**  
PRIMARY EXAMINER